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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,425	08/29/2000	Kenneth E. Flick	58072	8740

27975 7590 05/20/2005

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EXAMINER	
SWARTHOUT, BRENT	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,425	FLICK, KENNETH E.	
	Examiner	Art Unit	
	Brent A. Swarthout	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-17,19-23 and 25-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-17,19-23 and 25-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1,3,5-7,9-11,13,15-17,19,21-23,25 and 27-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Patent No. 6,433,677 in view of Mueller et al., or Mueller et al. further in view of Adamo.

Flick (PN 6,433,677) discloses a vehicle security alarm system whereby a transducer is used to generate an alarm and to sense shock (claims 9-10, 22-23, 35-36, etc.)

Mueller teaches a vehicle security system with sensors 250, controller means 200, a siren 33, shock detector circuit 250, and means 252/254 for causing a siren to sound responsive to a security alarm signal, and for controlling a signal 228/242 responsive to detected shock, except for specifically disclosing use of a housing, for carrying the siren generator, shock detector and transducer for causing siren to sound.

However, since Mueller discloses use of a housing for receiver/controller 14 (see Fig. 1), choosing to provide a housing for other components of the alarm system would have been obvious to one of ordinary skill in the art, in order to protect components from damage due to environmental and positioning factors, such as moisture, rocks, tar, engine heat, etc.

It would have been obvious to use a transducer as disclosed by Flick to sense shock and generate a warning in conjunction with a vehicle alarm system as disclosed by Mueller and Adamo, in order to reduce number of components in an alarm system.

Furthermore, choosing to take plural known components and make integral in a common housing would have been an obvious matter of engineering choice, lacking some unexpected result (see In re Larson, 340 F.2d 965 968 144 USPQ 347, 349 (CPA 1965)).

In the present claims, no housing structural elements are claimed which would have led to an unexpected result by placing plural components within the housing. The claim merely recites "a common housing" for carrying the components.

Choosing to use a housing with plural components would have been an obvious manner of engineering choice, based on such factors as whether a new vehicle was used or alarm was a retro-fit, available space in engine compartment, desirability for replacement of a whole alarm

system for maintenance versus replacement of individual elements, and other considerations which would have been obvious to an ordinarily skilled artisan.

Furthermore, Adamo teaches desirability of using a common housing 85 to house a vehicle security alarm system including shock sensing means 17 and siren means 91 (Fig. 5, col.6).

It would have been obvious to use a common housing as suggested by Adamo in conjunction with the alarm system in an engine compartment as suggested by Mueller, in order to provide for a better protected, more easily maintainable, installable and replaceable vehicle security system, for the reasons as given previously with regard to Mueller. Also, placing a housing inside an engine compartment would have been obvious to one of ordinary skill in the art, in order to prevent tampering, since it is common to lock engine compartments to prevent access thereto except by authorized persons.

Regarding claim 3, Mueller has armed/disarmed modes (col.7, line 9).

Regarding claims 5-6, Mueller teaches providing different levels of alarm based on shock intensity (col.7, line 60- col.8, line 2; col.8, lines 40-58).

Regarding claim 7, siren 33 would have inherently included some type of speaker means.

Regarding claims 9-10, Mueller teaches use of receiver 14 and remote transmitter 20, the transmitter capable of sending different codes (col.5, line 15; col. 13, lines 9-20).

3. Claims 2,12,20 and 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Patent No. 6,433,677 in view of Mueller et al, or Mueller et al. in view of Adamo, and further in view of Suda. Claims are rejected for the reasons given above and in paragraph No. 2 of the Office action mailed 10-27-04.

4. Claims 4 and14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Patent No. 6,433,677 in view of Mueller et al. , or Mueller et al. in view of Adamo, either further in view of L'Esperance et al. Claims are rejected for the reasons given above and in paragraph No. 3 of the Office action mailed 10-27-04.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The rejection is the same as made in the last Office action, except for the inclusion of the Flick reference, which was known to applicant. Flick has been included soley for the purpose of making a double patenting rejection, which can be overcome by a properly filed terminal disclaimer. Applicant is reminded of the duty to maintain a clear line of demarcation between claims of patented and pending applications. Any additional patents or applications of which applicant is aware that have conflicting claimed subject matter should be brought to the attention of the Office, and where required additional terminal disclaimers should be filed to permit allowance of presently pending claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent A Swarthout
Examiner
Art Unit 2636

BRENT A. SWARTHOUT
PRIMARY EXAMINER